

Case: 06-10725-lbr Doc #: 5007 Filed: 10/12/2007 Page: 1 of 3



Entered on Docket  
October 12, 2007

A handwritten signature in black ink, appearing to read "L. B. Riegler".

Hon. Linda B. Riegler  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

3993 Howard Hughes Parkway, Suite 600  
Las Vegas, NV 89169-5996  
Facsimile (702) 949-8321  
Telephone (702) 949-8320

Susan M. Freeman AZ State Bar No. 004199  
Email: [sfreeman@lrlaw.com](mailto:sfreeman@lrlaw.com)  
Rob Charles NV State Bar No. 006593  
Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)  
John Hinderaker AZ State Bar No. 018024  
Email: [jhinderaker@lrlaw.com](mailto:jhinderaker@lrlaw.com)

*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS,  
LLC,

USA CAPITAL DIVERSIFIED TRUST  
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED  
FUND, LLC,

USA SECURITIES, LLC,

Debtors.

**Affects:**

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR  
Case No. BK-S-06-10729-LBR

**CHAPTER 11**

Jointly Administered Under Case No.  
BK-S-06-10725 LBR

Date of Hearings: October 15, 2007  
Time of Hearings: 9:30 a.m.

New Date of Hearings: November 16, 2007  
Time of Hearings: 9:30 a.m.

**ORDER APPROVING STIPULATION TO DISALLOW DUPLICATE CLAIMS  
FILED BY WYNN A. AND LORRAINE J. GUNDERSON AND CONTINUE  
HEARING ON MOTION FOR SUMMARY JUDGMENT RE GUNDERSONS'  
REMAINING CLAIM**

**IT IS HEREBY ORDERED:**

- Approving the Stipulation by and between USACM Liquidating Trust and Wynn A. and Lorraine J. Gunderson [DE 4976];
- Disallowing Proof of Claim Nos. 10725-02321, 10725-02322, 10725-02447-1, 10725-2448-1 and 10725-02448-2 in their entirety as being duplicate or having been amended; Claim No. 10725-02447-2 shall remain of record subject to further objection by the USACM Trust.
- Vacating the hearing set for October 15, 2007, at 9:30 a.m. on USACM Trust's Motion for Summary Judgment [DE 4291] as it relates to the Gundersons' Claim (Claim No. 10725-02447-2) only and on USACM Trust's Objection to Wynn A. and Lorraine J. Gunderson Claims Asserting Secured Status, [DE 4262]. The hearing on the Motion for Summary Judgment and Objection is continued to **November 16, 2007 at 9:30 a.m.**;
- The deadline for the Gundersons to file and serve a response to the Objection [DE 3155 and 4262] and the Motion for Summary Judgment [DE 4291] is extended to October 24, 2007; and

////

////

////

////

////

////

10-11-2007 04:34pm From-GUNDERSON PALMER

605 3420480

T-940 P.008/008 F-753

1 ♦ The USACM Trust's reply to the response shall be filed and served by  
2 November 2, 2007.

3 ###

4  
5 PREPARED AND SUBMITTED:

6 LEWIS AND ROCA LLP

7 By: /s/ RC (#0006593)

8 Susan M. Freeman

9 Rob Charles

10 John Hinderaker

Attorneys for USACM Liquidating Trust

11 APPROVED AS TO FORM AND CONTENT:

12 By: [Signature]  
13 Wynn A. Gundersen

14 By: [Signature]  
15 Lorraine A. Gundersen  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26